

January 11, 2005

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services file nos. **E0300956**

DWIGHT & PAM JEWSON
Code Enforcement Appeal

Location: 28416 Point Piner Road SW, Vashon

Appellants: Dwight & Pam Jewson, *represented by*
George Kresovich, Attorney
Hillis Clarke Martin & Peterson
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Seattle, WA 98101-2925
Telephone: (206) 623-1745
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King County: Department of Development and Environmental Services
represented by **John Briggs**, Senior Deputy Prosecuting Attorney
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Current Planning Section, *represented by* Rich Hudson
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:
Department's Final Recommendation:
Examiner's Decision:

Deny appeal
Deny appeal
Appeal granted

EXAMINER PROCEEDINGS:

Hearing Opened:

November 30, 2004

Hearing Closed:

December 8, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On December 20, 1999, Dwight and Pam Jewson applied to the King County Department of Development and Environmental Services for a shoreline exemption for construction of a bulkhead adjacent to their shoreline property located at 28416 Point Piner Road Southwest near the south end of Maury Island. An exemption from shoreline substantial development permit requirements was approved by DDES on March 8, 2000, under file no. L99SX412. A grading permit application was also submitted for the bulkhead on February 26, 2002, under file no. L02CG047.
2. After the performance of technical studies and numerous communications between the Jewsons' attorneys and consultants and DDES, the Department on January 30, 2004, issued a notice and order revoking the shoreline exemption on the grounds that it was approved in error and on the basis of incorrect and inadequate information supplied by the Applicant to the Department. Concurrently therewith, DDES issued a determination of significance for the grading permit application requiring the preparation of a limited scope EIS for the bulkhead proposal. The determination of significance identified probable significant adverse impacts from the proposal to slopes, marine beaches, riparian habitat, inter-tidal and sub-tidal habitat, and nearshore plants and fish. The Jewsons have filed timely appeals of both the proposed shoreline exemption revocation and the determination of significance under SEPA. The two appeals have been consolidated for hearing purposes.
3. The Jewson property is located near the southern tip of Maury Island, just north of Piner Point. The property consists of two high-bank shoreline lots, the larger primary parcel purchased by the Jewsons in the mid-1980s and the smaller triangular parcel to its north purchased some ten years later. The larger southerly lot contains the Jewson residence, which was constructed in the mid-90s to replace a former vacation dwelling. The northerly lot is undeveloped and mainly serves to provide a buffer to the Jewson residence. To protect their primary residence the Jewsons also installed, with County permits, a protective rock bulkhead. Their proposal is to extend that bulkhead across the northern lot to connect with a timber bulkhead on the adjacent Sprinkle property. It has been determined, however, that the Sprinkle bulkhead was installed without County permits, and it has been cited by DDES within a code enforcement proceeding. The Sprinkle bulkhead is composed of creosote-treated timbers; the question of whether it will be allowed to remain in place has not been resolved.

4. The unarmored bluff on the shoreward side of the northern Jewson lot has experienced substantial erosion in recent years. These erosional issues have been studied on behalf of the Jewsons by civil engineer James Doolittle based on site observations dating back to 1992, supplemented by a review of aerial photographs. Mr. Doolittle has estimated that the bluff recession rate was 9.6 inches a year between 1960 and 1985 and increased to about 14 inches a year from 1985 to 1998. Mr. Doolittle expressed an opinion that the erosion rate had continued to accelerate since 1998 but he has done no specific calculations in support of that observation. The purpose of the current Jewson bulkhead extension proposal is to buttress the toe of the erosional slope and halt or greatly decrease the rate of erosion. It is undisputed that the primary cause of bluff erosion in this location is wave action that undercuts the slope toe resulting in a steepened slope angle which periodically destabilizes and collapses again to an angle of repose.
5. The most immediate threat to existing structures on the Jewson property is to utilities buried within an easement that crosses the Jewson parcels in a southwesterly direction, running from the southern terminus of Point Piner Road to the Jewson residence. The easement presently contains electric power, telephone and cable lines that serve the Jewson residence plus a water pipe that serves the Point Piner Water Association. This pipe provides water service to a vacation cabin offsite from the Jewson property. It is, however, linked to the same water system that serves the Jewson residence, and Mrs. Jewson testified as to her belief that a rupture of the pipe within the easement could disable the entire system by dewatering it. DDES has stipulated that the water pipe was placed in its present location prior to 1960 at a time when no County permits would have been required for its installation. The other utility lines, however, were previously located on an overhead pole system and placed underground in 1997 when the pole within the easement began to become destabilized from slope recession. At that time the Jewsons dug a trench along the backside of the easement and Puget Power relocated the lines. There is no evidence that any County permits were issued for this utility relocation procedure.
6. Portions of the water line within the easement have been exposed by slope recession since about 2000. Since that time the length of pipe exposed has increased from 5 feet to about 20 feet. DDES contends that the threat to the utility lines within the easement from bluff recession can be adequately addressed by measures less drastic than shoreline armoring at the toe of the slope. It suggests that the electric and other utility lines could be once again strung from overhead poles and the water pipe could be supported and protected. But if the slope toe erosion is allowed to continue, these measures would provide no more than temporary relief. Such measures would require constant maintenance and later removal of utility structures to new locations to stay abreast with the changing conditions imposed by ongoing slope retreat.
7. DDES also agrees that the northern end of the existing Jewson bulkhead is being eroded by wave action and is beginning to fail. If not remedied, after a period of some eight or ten years the toe erosion resulting from bulkhead failure could begin to threaten the integrity of the Jewson residence itself. DDES proposes that a 15-foot wing wall could be added to the north end of the existing bulkhead to provide this structure with added protection. Mr. Doolittle believes that a wing wall would be difficult to tie into the soft slope soils and would be in constant need of maintenance and repair. Everyone agrees that a 15-foot wing wall would not be an effective solution for more than about 10 years. As a possible compromise, the Jewsons have also floated a proposal for a 45-foot wing wall, but DDES has declined to view this as an acceptable alternative. In addition, Mr. Doolittle has suggested that as bluff recession moves further toward

the Jewson residence, a higher risk of seismic failure will also be encountered. At this point DDES has not agreed that a higher level of seismic risk is probable from slope recession processes.

8. Mr. Doolittle's analysis of the erosional threats to the Jewson property is summarized within an April 1, 2003, letter:

“Based on our previous site observations and evaluations of air photos and mapping data we have concluded that the area of bluff recession northeast of your residence is expanding at an accelerating rate in both a northwesterly direction and a southwesterly direction towards your house. Based on our observations, we have concluded that the bluff recession is due directly to toe erosion resulting from wave action on the unprotected beach area between the NE end of your existing bulkhead and the SW end of the bulkhead on the adjoining property.

The area of bluff recession has already undermined the existing utilities at the top of the bluff and is imminently threatening the NE end of your existing bulkhead which in turn protects the stability of your residence. As the NE end of your existing bulkhead is destabilized due to the expanding erosion, in our opinion wave erosion will progressively undermine the remaining bulkhead to the south and west towards your residence....

Considering the very steep bluff slopes below your residence site and the cohesionless nature of the soils comprising the slopes, it is our opinion that the potential for lateral and vertical soil displacement at your residence site under seismic ground shaking will increase rapidly with increasing toe erosion.”

9. RCW 90.58.030(3)(e) provides the definition of “substantial development” applicable to the Shoreline Management Act and lists activities that fall outside this definition and therefore do not require a shoreline substantial development permit. RCW 90.58.030(3)(e)(iii) excludes from the substantial development definition “emergency construction necessary to protect property from damage by the elements.” It is undisputed that the Jewsons’ 1999 shoreline exemption application was focused on obtaining an emergency construction exemption and that the revocation process which is the subject of this appeal seeks to cancel the exemption because the Jewson bulkhead proposal is not responsive to a legitimate emergency.
10. But it is also clear that the DDES employee authorized in 2000 to issue shoreline exemptions also determined that the Jewson proposal did not constitute an emergency and issued the exemption on alternative grounds. RCW 90.58.030(3)(e) contains at least two further exemption bases under which a bulkhead proposal might qualify. These are “(i) normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements” and “(ii) construction of the normal protective bulkhead common to single-family residences.” The DDES shoreline exemption official, Mark Mitchell, determined that the Jewson proposal was not for the construction of a normal protective bulkhead for a single-family residence due to the fact that the utility

structures were primarily at immediate risk, but instead granted the exemption based on RCW 90.58.030(3)(e)(i) for normal maintenance or repair of existing structures.

11. That the March 2000 shoreline exemption issued by DDES was not based on a finding of emergency conditions is further supported by a February 23, 2000, memo from DDES geologist Larry West to Mark Mitchell that describes his site visit and conclusions as follows:

“The physical conditions surrounding the proposed bulkhead area are adequately described in the geotechnical reports. I agree with the conclusion in the reports that the landslide above the proposed bulkhead is caused primarily by shoreline erosion and that if this erosion is not stopped, the buried utilities near the top of the landslide will be adversely impacted. Within several years the landslide could also adversely impact the driveway leading to a residence directly to the north of the slide area.

Because there also are structures located on the north and south sides of this slide that could be impacted by it in the next ten years or so, I recommend that we allow the applicant to stabilize the slide for shoreline protection as proposed...”

Mr. West’s memo was supplemented by hearing testimony that from a design standpoint the original Jewson bulkhead should not have been terminated at the northern lot line of the southerly parcel near the midpoint of the wave action area. Mr. West’s view was that the consequence of so doing was to create a constant repair problem.

CONCLUSIONS:

1. As stated above, RCW 90.58.030(3)(e) defines for purposes of the Shorelines Management Act the term “substantial development” and specifies a list of exceptions that are outside the definition and therefore not required to obtain shoreline substantial development permits. These include the exceptions for normal maintenance and repair of existing structures, construction of a normal protective bulkhead for single-family residences, and emergency construction needed to protect property from damage from the elements. The County’s shoreline regulations at KCC 25.32.010.B give due recognition to the statutory exemptions by stating that a substantial development permit “shall not be required for the development excepted from the definition of substantial development in RCW 90.58.030.”
2. In addition, KCC 25.16.180.C provides that “in order for a proposed bulkhead to qualify for the RCW 90.58.030(3)(e)(iii) exemption from shoreline permit requirements, findings must be made that “erosion from waves or currents is imminently threatening a legally established residence or one or more substantial accessory structures” and that “feasible, non-structural alternatives” do not exist that are more consistent with master program policies than the proposed bulkhead. At the risk of belaboring the obvious, KCC 25.16.180.C only regulates emergency exemptions and has no applicability to any other exemption provided by RCW 90.58.030. Thus a maintenance or repair exemption issued pursuant to RCW 90.58.030(3)(e)(i) need not meet these additional requirements.

3. Utility lines that serve a residence are substantial accessory structures, and if any one of them is legally established, then the legitimacy requirement stated at KCC 25.16.180.C.1 is met. The fact that other unlawfully established accessory structures may also receive protection as an incidental benefit does not operate to deprive a legally established accessory structure from its protection pursuant to a shoreline exemption.
4. WAC 173-27-040(2)(d) defines for purposes of shoreline exemption review an emergency as “an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time so short to allow full compliance with this chapter. Emergency construction does not include the development of new permanent protective structures where none previously existed.”
5. A threat to utility lines within a blufftop easement eroding away at the rate of one to two feet a year is not an emergency within the meaning of WAC 173-27-040(2)(d) and, by extension, not an imminent threat within the meaning of KCC 25.16.180.C.1. Nor can a new bulkhead be authorized as an emergency exception.
6. For purposes of applying RCW 90.58.030(3)(e)(i), WAC 173-27-040(2)(b) defines normal maintenance as including “those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition” Both the Jewson residence and bulkhead are lawfully established structures and an exemption to construct a bulkhead extension to prevent them from declining, lapsing or ceasing falls within the broad ambit of these general terms. In addition, WAC 173-27-040(2)(c) provides guidance to the application of the exemption created by RCW 90.58.030(3)(e)(ii) for construction of the normal protective bulkhead common to single-family residences. This regulation defines the purpose of the single-family residential protective bulkhead exemption to include the preservation of “appurtenant structures from loss or damage by erosion.” This authorizes the protection of the appurtenant utility lines on the Jewson property without regard to whether they further qualify as an emergency condition subject to imminent threat.
7. KCC 23.24.100.A.3 authorizes a permit to be revoked if the “permit was issued in error or on the basis of materially incorrect information supplied to the county.” The shoreline exemption issued by DDES in 2000 was for the normal maintenance of an existing structure within the meaning of RCW 90.58.030(3)(e)(i) as elaborated at WAC 173-27-040. The record further demonstrates that the exemption could also have been justified as necessary for the preservation of an appurtenance to a single-family residence and thus within the scope of the exemption for a normal residential bulkhead provided by RCW 90.58.030(3)(e)(ii). The fact that the Jewsons mistakenly applied for an emergency exemption in 1999 and were not entitled to one under either the applicable State or County regulations is not dispositive of this appeal because the shoreline administrator in 2000 correctly analyzed the situation and issued the exemption on other more defensible grounds.
8. The shoreline exemption was not issued “on the basis of materially incorrect information” because, although the Jewsons may have applied for an emergency exemption, the shoreline administrator did not rely on representations of emergency status in making his permitting decision. The information relied upon by Mr. Mitchell in making his exemption decision was comprised primarily of the engineering reports submitted on behalf of the Jewsons by Mr.

Doolittle. Mr. Mitchell, with the assistance of Mr. West, found Mr. Doolittle's geotechnical data to be accurate. Nothing in the hearing record suggests that a contrary conclusion was warranted.

The shoreline exemption was based on reliable technical information and not on a more subjective opinion as to whether the undisputed risk to the Jewson's utility easement, existing bulkhead and residence should be characterized as imminent.

DECISION:

The appeal is GRANTED. Shoreline exemption no. L99SX412 remains valid and in effect.

ORDERED this 11th day of January, 2005.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 11th day of January, 2005, via certified mail to the following:

Dwight & Pam Jewson
28416 Pt. Piner Rd. SW
Vashon WA 98070

George Kresovich
Hillis Clark Martin & Peterson
500 Galland Bldg., 1221 2nd
Seattle WA 98101-2925

TRANSMITTED this 11th day of January, 2005, to the following parties and interested persons of record:

Marc Boule
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NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE NOVEMBER 30, DECEMBER 1, 2, 3 & 8, 2004, PUBLIC HEARING ON
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NOS. E0300956 &
L02CG047.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were John Briggs, Rich Hudson, Steve Bottheim, Jon Sloan, Larry West, Mark Mitchell, Joe Miles, and Greg Wessel, representing the Department; George Kresovich, representing the Appellants; Keith Landry, Marc Boule, James A. Doolittle, Pam Jewson, and Mark Pedersen.

The following exhibits were offered and entered into the record on November 30, 2004:

Exhibit No. 1	Department of Development and Environmental Services File No. L02CG047
Exhibit No. 2	Department of Development and Environmental Services Preliminary Report, dated November 30, 2004
Exhibit No. 3	Application dated February 28, 2002
Exhibit No. 4	Environmental Checklist dated February 8, 2002

- Exhibit No. 5 Threshold Determination of Significance dated January 30, 2004
- Exhibit No. 6 Site Plan dated December 28, 1999 (Shoreline Exemption File L99SX412)
- Exhibit No. 7 List of Files/Exhibits per Pages, 10, 22 & 12 of the Staff Report
- 7-1 Letter dated September 24, 1992 from Geospectrum Consultants (Geospectrum) to Pam & Dwight Jewson, re: Geotechnical Reconnaissance re: Jewsons' proposed residential addition
- 7-2.1 Letter dated June 21, 1994 from Geospectrum Consultants; re: Geospectrum's supplemental Evaluations on the Jewson Residential Addition
- 7-2.2 Letter dated June 20, 1995 from Geospectrum Consultants; re: Geospectrum's Updated Geotechnical Reconnaissance for Jewson Addition and Slide Repair
- 7-2.3 Letter dated January 30, 1996 from Geospectrum Consultants; re: Geospectrum's Supplemental Geotechnical Consultations on the North Bluff Slope Recession to Jewsons
- 7-3 Letter dated June 19, 1998 from Geospectrum Consultants; re: Supplemental Geotechnical Consultations on the Northern Bluff Slope Recession
- 7-4 Letter dated May 25, 1999 from Geospectrum to Jewsons and Sprinkles re: Proposed Beach Bulkhead
- 7-5 Application Letter dated June 15, 1999 for Jewson Shoreline Exemption from Ellisport Engineering, Inc. to DDES
- 7-6 Letter dated July 22, 1999 from Geospectrum Consultants, Inc. to Jewsons Re: Proposed Beach Bulkhead
- 7-7 July 26, 1999 SEPA Checklist for Jewson Bulkhead Extension
- 7-8 December 10, 1999 Letter from Geospectrum Consultants, Inc. to Mark Mitchell re: Subject Slope Recession
- 7-9 February 10, 2000 Note from Mark Mitchell to Steve Bottheim
- 7-10 February 23, 2000 Memo from Larry West to Mark Mitchell re: Geotechnical Review of Permit L99SX412
- 7-11 March 8, 2000 DDES letter approving Exemption from SMSDP Requirement
- 7-12 May 16, 2001 Letter from Associated Earth Sciences, Inc. to Jewsons re: Geotechnical Engineering Recommendations, Jewson Retaining Wall
- 7-13 January 17, 2002 letter from Joe Miles to the Jewsons re: Emergency Exemption from SEPA Review for 185-foot extension of the bulkhead
- 7-14 January 28, 2002 meeting minutes
- 7-15 February 1, 2002 letter from DDES to the Jewsons Re: "Expedited permit review timeline"
- 7-16 February 22, 2002 letter from Davis Wright Tremaine to DDES Re: SEPA Emergency Exemption Issue About Neighbor's Residence to become precariously exposed
- 7-17 February 28, 2002: Jewsons File on Grading Permit Application
- 7-18 February 26, 2002 letter from Waterfront Construction, Inc. to Joe Miles re: Top of Slope Recommendations for the Jewsons
- 7-19 February 28, 2002 Complete Application letter for Jewson Permit application L02CG047
- 7-20 March 21, 2002 letter from Caroline Whalen to Donna Larson of Piner Point Improvement and Water Users Association re: Decision to not grant a SEPA exemption for the Jewsons' Project
- 7-21 April 22, 2002 Memo from Jon Sloan to Rich Hudson re: SEPA comments on Jewson Bulkhead L02CG047

- 7-22 April 30, 2002 email chain from Randy Sandin to Greg Sutton then from Greg Sutton to Randy Sandin re: Utilities and their Placement
- 7-23 May 13, 2002 letter from DDES to the Jewsons re: Their Grading Permit Application
- 7-24 July 5, 2002 letter from Geospectrum to the Jewsons re: Alternative Shoreline Protection Methods
- 7-25 July 23, 2002 letter from Davis Wright to Joe Miles: New Mitigated Proposal Provided to the County
- 7-26 October 31, 2002 letter from DDES to Davis Wright, re: Jewson Bulkhead Extension
- 7-27 November 22, 2002 letter from Davis Wright to Joe Miles
- 7-28 December 17, 2002 letter from DDES to Davis Wright
- 7-29 February 10, 2003 letter from DDES to Davis Wright
- 7-30 March 4, 2003 letter from Davis Wright to Joe Miles
- 7-31 March 31, 2003 letter from Shapiro to Greenfield re: Analysis of Sloan's April 22, 2002 Memo
- 7-32 April 1, 2003 letter from Geospectrum to the Jewsons re: Supplemental Geotechnical Evaluations for Bluff Erosion Effects on Seismic Stability
- 7-33 April 1, 2003 letter from Davis Wright to Joe Miles
- 7-34 April 8, 2003 email from Jon Sloan to Greg Borba addressing Shapiro's comments on Sloan's April 22, 2002 memo
- 7-35 Email dated April 11, 2003 from Wessel to Greg Borba regarding Wessel's review of Geospectrum Geotechnical Report dated April 1, 2003
- 7-36 April 23, 2003 letter from DDES to Davis Wright
- 7-37 June 6, 2003 letter from Geospectrum Consultants, Inc. to the Jewsons re: Response to DDES April 23, 2003 letter
- 7-38 June 10, 2003 letter from Davis Wright to Joe Miles
- 7-39 June 12, 2003 email from Jon Sloan to Joe Miles re: June 10, 2003 response specific to near shore habitat impacts
- 7-40 July 23, 2003 email from Hugh Shipman of the State to Greg Borba re: his comments on the Jewson alternative wall design
- 7-41 July 25, 2003 email from Jon Sloan to the group who reviewed the Jewson mitigated recapping meeting
- 7-42 July 25, 2003 email from Jon Sloan to Greg Borba re: additional information needed for the Jewsons to go with Option #1
- 7-43 July 25, 2003 email from Greg Borba re: his previous email
- 7-44 August 8, 2003 letter from DDES to Davis Wright
- 7-45 September 11, 2003 letter from DDES to Davis Wright
- 7-46 September 22, 2003 letter from Davis Wright to Joe Miles
- 7-47 October 10, 2003 letter from DDES to Davis Wright
- 7-48 December 26, 2003 email chain from Jewson to Ron Sims to Stephanie Warden to Greg Borba re: their proposal
- 7-49 December 29, 2003 email chain from Jewson to Ron Sims to Stephanie Warden et al to Greg Borba to Stephanie Warden to Greg Borba with comments from Jon Sloan and Wessel re: wing wall proposal
- 7-50 December 11, 2003 letter from Davis Wright to DDES
- 7-51 January 30, 2004 letter from DDES to the Jewsons
- 7-52 Beach Nourishment on Puget Sound: A Review of Existing Projects and Potential Application

- 7-53 Application for Right-of-Way Use Permit for Ellisport Engineering, Inc.
- 7-54 May 7, 2002 fax to Greg Sutton from Norm Neifert, Sr. Engineer
- 7-55 May 2001 Reconnaissance Assessment of the State of the Nearshore Ecosystem: Eastern Shore of Central Puget Sound, including Vashon and Maury Islands (WRIAS 8 and 9) Executive Summary
- 7-56 February 26, 2002 Jewson-Vashon Bank Stabilization Project Natural Resources Evaluation
- 7-57 March 15, 2002 letter from DDES to Washington Department of Fish and Wildlife
- 7-58 August 9, 2002 email from Greg Wessel to Richard Hudson re: comments on the Jewson proposal
- Exhibit No. 101 Marc E. Boule résumé
- Exhibit No. 102 Coastal Zone Atlas map of area depicting coastal drift, geology, slope stability, coastal flooding, sand and gravel areas, critical biological areas, and coastal drift
- Exhibit No. 103 Legend for exhibit no. 102

The following exhibits were entered into the record on December 1, 2004:

- Exhibit No. 104 James A. Doolittle résumé
- Exhibit No. 105 Proposed Bluff Protection & Beach Nourishment System done by Geospectrum Consultants, Inc.
- Exhibit No. 106 Photograph of area with similar topography as the Jewson property
- Exhibit No. 107 Photograph of a site with similar topography as the Jewson property

The following exhibits were entered into the record on December 2, 2004:

- Exhibit No. 108 Mark G. Pedersen résumé
- Exhibit No. 109 Photographs of Jewson Property; photos 1 & 2 were taken in 1993, photo 3 was taken in 2000
- Exhibit No. 110 Photographs of Beardsley Property; photos 1 & 2 were taken in 1993, photo 3 was taken in 2002
- Exhibit No. 111 Article – Puget Sound's Health – Herring Populations